

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

JULIE SOTO,
Charging Party,

Case # 0111015127

-v-

LITHIA OF HELENA,
Respondent.

ORDER
FINAL AGENCY DECISION

Charging Party, Julie Soto (Soto), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of physical disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Soto's allegations that Respondent, Lithia of Helena, discriminated against Soto. The Department issued a Notice of Dismissal. Soto filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 18, 2012. Donald Jones appeared and argued on behalf of Soto. Paul Tranel appeared and argued on behalf of Lithia.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Soto's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Lithia of Helena.

DATED this 20th day of July 2012.

_____/l.m.minich/_____
L.M. Minich, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 20th day of July 2012.

DONALD FORD JONES
P.O. BOX 1959
HELENA, MT 59624

PAUL N. TRANELL
P.O. BOX 7729
MISSOULA, MT 59807-7729

_____/annahsmith/_____
Annah Smith, Legal Secretary
Montana Human Rights Bureau